

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Tosuke KAWADA

**Attention: Director of Technology
Center 3700**

Group Art Unit: 3729

Application No.: 10/648,486

Examiner: D. Nguyen

Filed: August 27, 2003

Docket No.: 105687.01

For: METHOD FOR MOUNTING ELECTRIC COMPONENTS ON A PRINTED-WIRING
BOARD

**PETITION UNDER 37 C.F.R. §1.181
TO RESET PERIOD OF REPLY TO OFFICE ACTION**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

According to the Patent Office PAIR database, an Office Action was mailed by the Patent Office on December 28, 2004 for the above-identified application. However, Applicant's undersigned representative hereby states that such Office Action was never received through the mail by the law firm of Oliff & Berridge, or by the Applicant or anyone else associated with the prosecution of this application.

On February 25, 2005, which was approximately eighteen months after Applicant filed the application, Applicant's undersigned law firm automatically monitored the status of this application by checking the PTO PAIR website. Applicant's undersigned representative checked the Patent Office PAIR database and discovered the existence of the December 28, 2004 Office Action. Applicant's undersigned representative also discovered that the December 28, 2004 Office Action was returned to the Patent Office as undelivered on

January 4, 2005. Because an image file wrapper of this application was available from the Patent Office, on February 25, 2005 Applicant's undersigned representative downloaded the December 28, 2004 Office Action and obtained copies of the references cited on the PTO-892 accompanying that Office Action. Accordingly, through Applicant's own efforts, Applicant obtained the December 28, 2004 Office Action on February 25, 2005.

Accordingly, Applicant requests that the time period for replying to the outstanding Office Action be reset to start on February 25, 2005, i.e., the date that Applicant became aware of, and obtained by downloading from the PTO website, the December 28, 2004 Office Action.

Applicant's undersigned representative submits that Applicant has satisfied the requirements set forth in MPEP 710.06, which relates to the present situation. In particular, section I of MPEP 710.06 most closely relates to the present situation, although, as explained above, Applicant never received the Office Action through the mail, but rather obtained the Office Action from the image file wrapper available over PAIR. With respect to section I(A), this Petition is being filed within two weeks of the February 25, 2005 date of discovery of and receipt of the Office Action. With respect to section I(B), a substantial portion of the set reply period (i.e., nearly two months) had elapsed when Applicant received the Office Action. With respect to I(C), Applicant's undersigned representative has explained and set forth the date of receipt of the Office Action. Applicant cannot show any evidence regarding receipt of the Office Action that was mailed by the Patent Office, because Applicant still has not received the Office Action that was allegedly mailed. However, Applicant can show that the December 28, 2004 Office Action was returned as undelivered.

In order to establish that the December 28, 2004 Office Action was not received by mail by Applicant's undersigned representative, attached hereto are four sheets related to the above-identified application. Sheet 1 is an outline of the image file wrapper for this application. The

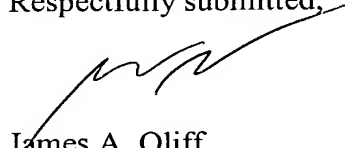
January 4, 2005 entry states that mail was returned to the Patent Office as undelivered. Sheets 2 and 3 were downloaded from the January 4, 2005 entry. The encircled portion labeled A on Sheet 2 identifies the December 28, 2004 Office Action as received in Technology Center 3700 on January 4, 2005. Sheet 2 also includes the correct mailing address for Oliff & Berridge. Sheet 3 is a scanned image of the envelope that was found with the January 4, 2005 entry. The encircled portion labeled C on Sheet 3 identifies the postage date of December 28, 2004. As such, it is believed that the Office Action was undelivered due a Patent Office error for failing to display the address for Oliff & Berridge (as provided on Sheet 2) through the address window of the envelope when the Office Action was mailed. As indicated by the encircled portion labeled B on Sheet 4, the December 28, 2004 Office Action was entered into Oliff & Berridge's computerized docketing system on February 25, 2005 at 1:55 PM. In particular, the December 28, 2004 Office Action is indicated under the column "Event Date" as "2004-12-28". As can be seen under the column labeled "Date Changed" the date for that December 28, 2004 was changed on February 25, 2005 at 1:55 PM. In addition, the letter "I" under the column labeled "Action" signifies that the particular action was initially ("I" stands for Initial Entry) entered on February 25, 2005.

Accordingly, the December 28, 2004 Office Action was not entered into Oliff & Berridge's computerized docketing system until the downloaded version was obtained on February 25, 2005 by Applicant's undersigned representative, and promptly given to the Oliff & Berridge docketing department. As the Oliff & Berridge docketing department immediately enters Patent Office communications when received (usually by mail from the Patent Office), the fact that the Office Action was not entered until February 25, 2005 further establishes that the Office Action allegedly mailed by the Patent Office on December 28, 2004 was never received by Oliff & Berridge.

Although it is believed that no fee is due, the Patent Office is authorized to charge Deposit Account No. 15-0461 for any fees deemed necessary to grant this Petition.

The appropriate Patent Office official is invited to contact Applicant's undersigned attorney at the telephone number listed below if there are any questions or if any additional information is desired.

Respectfully submitted,



James A. Oliff
Registration No. 27,075

Scott M. Schulte
Registration No. 44,325

JAO:SMS/sxb

Attachments:
4 Sheets

Date: March 3, 2005

OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

<p>DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461</p>
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Printer Friendly

10/648,486

Method for mounting electric components on a printed-wiring board

Image File Wrapper

This application is officially maintained in electronic form. To View: Click the desired Document Description. To Download and Print: Check the desired document(s) and click StartDownload.

Mail Room Date	Document Description	Page Count
01-04-2005	Mail returned to USPTO as undelivered	9
12-28-2004	Non-Final Rejection	6
12-28-2004	List of References cited by Applicant	1
12-28-2004	List of references cited by Examiner	1
12-28-2004	Search info on File Wrapper	1
12-28-2004	Claims recorded on File Wrapper	1
12-28-2004	Bibliographic Data Sheet	1
08-27-2003	Fee Worksheet (PTO-875)	1
08-27-2003	Transmittal of New Application	2
08-27-2003	Specification	105
08-27-2003	Claim	17
08-27-2003	Abstract	1
08-27-2003	Drawings	16
08-27-2003	Oath or Declaration filed	3
08-27-2003	Application Data Sheet	2
08-27-2003	Preliminary Amendment	1
08-27-2003	Specification	1
08-27-2003	Claim	2
08-27-2003	Applicant Arguments or Remarks Made in an Amendment	1
08-27-2003	Information Disclosure Statement	3
08-27-2003	Claims Worksheet (PTO-2022)	1
08-27-2003	Fee Worksheet (PTO-875)	1
08-27-2003	Fee Worksheet (PTO-875)	1

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SHEET 1



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,486	08/27/2003	Tosuke Kawada	105687.01	4127

25944 7590 12/28/2004

OLIFF & BERRIDGE, PLC
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EXAMINER

NGUYEN, DONGHAI D

ART UNIT PAPER NUMBER

3729

DATE MAILED: 12/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



A

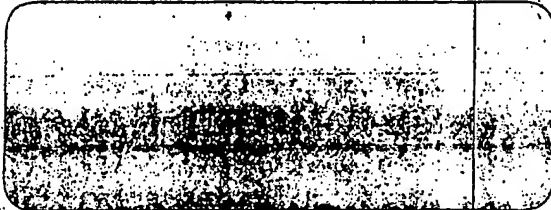
SHEET 2

Organization _____ Bldg./Room _____
U. S. DEPARTMENT OF COMMERCE
COMMISSIONER FOR PATENTS
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ALEXANDRIA, VA 22313-1450
IF UNDELIVERABLE RETURN IN TEN DAYS



AN EQUAL OPPORTUNITY EMPLOYER

OFFICIAL BUSINESS



SHEET 3

BEST AVAILABLE COPY



Basic | Case Summary | Timekeepers | Assignee | Inventors | Other Details | Related Cases | Actions | Official Nos | Docket Note

Docket No 105687.01 United States Patent - Properties
 Publication No US-2004-0037055-A1 Published

Event History

Current Event

Event: 3 Month Office Action Mail Dat Due Date: Created By Criteria: 160590
 Event Number: -11330 Cycle: 1 Created By Action: EN
 Event Date: 12/28/2004 Event Text:

Event	Event No	Staff	Date Changed	Action	Cycle	Event Date	Due Date	Date Remind	Event Text	Created
3 Month Of	-11330	ibola	2005-02-25-13:55	U	1	2004-12-28				160590
3 Month Of	-11330	ibola	2005-02-25-13:55		1	2004-12-28				160590

SHEET 4